

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

February 9, 2012

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "FREE APPLICATION FOR FEDERAL STUDENT AID (FAFSA) COMPLETION AND AWARENESS 2012" – Councilmember Baines – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of February 2, 2012

Action Taken: Approved

Approve Fresno Revitalization Corporation minutes of February 2, 2012

Action Taken: Approved

Approve the City of Fresno as the Successor Agency to the RDA minutes of February 2, 2012

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Reports made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **RESOLUTION** - Approving the Final Map of Tract No. 5997, accepting dedicated public uses therein; authorize the Public Works Director, the Public Utilities Director and the Development and Resource Management Department Director to execute the subdivision agreement and covenants *(Property located in District 6)* – Development and Resource Management Department
Action Taken: Resolution No. 2012-19 adopted
- B. Affirm appointment of Robert K. Engleman to the District 6 Implementation Advisory Committee – Councilmember Brand; approve appointment of Jamre O. Quinn to the Fulton Lowell Design Review- Councilmember Baines
Action Taken: Affirmed
- C. Documents pertaining to the installation of emergency generators at Pump Stations 69A 159 and 307 *(Property located in Districts 1, 2 and 7)* – Department of Public Utilities
 - 1. Adopt the findings of Categorical Exemption pursuant to Section 15301 (Class 1/existing facilities); and, Section 15303 (Class 3/new construction of small structures) of the California Environmental Quality Control Act (CEQA) Guidelines for the installation of emergency generators at Pump Stations 69A (First and Shields Avenues); PS 159 (Herndon and West Avenues) and PS 307 (Valentine and Marty Avenues)
Action Taken: Adopted
 - 2. Award contract to Cummins West, Inc. of Fresno, California, in the amount of \$279,250.62 for the purchase of emergency generators and automatic transfer switches, to be installed under separate contract, at Pump Stations 69A, 159 and 307
Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- D. Documents pertaining to the summary vacation of a public sewer easement and a public temporary construction easement between E. Belmont and E. White Avenues east of N. Millbrook Avenue (*Property located in District 7*) – Public Works Department
1. Adopt a Finding of Categorical Exemption per staff determination, pursuant to Section 15305/class 5 of the CEQA Guidelines, Environmental Assessment No. EA-11-019 – Public Works Department
Action Taken: Adopted
 2. **RESOLUTION** - Ordering the summary vacation of a public sewer easement and a public temporary construction easement between E. Belmont and E. White Avenues east of N. Millbrook Avenue
Action Taken: Resolution No. 2012-20 adopted
- E. Documents pertaining to frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues (*Property located in the County of Fresno*) – Public Works Department
1. Approve the filing of Notice of Intent to adopt Mitigated Negative Declaration EA-11-008, by the City of Fresno, for the widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues
Action Taken: Approved
 2. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by DeYoung Willow and Nees L.P., a California Limited Partnership, in the amount of \$52,700 for widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues
Action Taken: Approved
- F. Documents pertaining to frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues (*Property located in the County of Fresno*) – Public Works Department
1. Approve the filing of Notice of Intent to adopt Mitigated Negative Declaration EA-11-008, by the City of Fresno, for the widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues
Action Taken: Approved
 3. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by Suhardi “Tony” Tjuanta, in the amount of \$87,250 for widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues
Action Taken: Approved
- G. Documents pertaining to frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues (*Property located in the County of Fresno*) – Public Works Department
1. Approve the filing of Notice of Intent to adopt Mitigated Negative Declaration EA-11-008 by the City of Fresno, for the widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues
Action Taken: Approved
 2. Approve acquisition of one (1) public street easement from a portion of property owned by Suhardi “Tony” Tjuanta, in the amount of \$99,900 for widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- H. Documents pertaining to frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues (*Property located in the County of Fresno*) – Public Works Department
1. Approve the filing of Notice of Intent to adopt Mitigated Negative Declaration EA-11-008, by the City of Fresno, for the widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues
Action Taken: Approved
 2. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by Tam Thi Tran and Jim Tran Ngo, in the amount of \$54,000 for widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues
Action Taken: Approved
- I. * **RESOLUTION** - 509th amendment to Master Fee Schedule (MFS) Resolution No. 80-420 revising green fees at Riverside Golf Course (*Property located in District 2*) - PARCS
Action Taken: Removed from the agenda
- J. Approval of a three-year agreement with Boys and Girls Club of Fresno County for lead agency responsibility for recreational programming at Fink White Park Neighborhood Center (*Property located in District 3*) - PARCS
Action Taken: Approved

CONTESTED CONSENT CALENDAR

9:00 A.M. **GENERAL ADMINISTRATION**

- A. Documents pertaining to the demolition of Monterey Street bridge from Broadway Street to California Avenue (*Property located in District 3*) – Public Works Department
1. Adopt the finding of the attached Mitigated Negative Declaration (MND) EA-10-029 filed with the Fresno County Clerk on May 13, 2011, with the project specific mitigation record that the project may have a significant direct, indirect or cumulative effect on the environment
Action Taken: Adopted
 2. Award a construction contract in the amount of \$968,232 to Evans Brothers, Inc. for the demolition of Monterey Street bridge from Broadway Street to California Avenue and to authorize the Public Works Director or his designee to execute the contract on behalf of the City
Action Taken: Awarded
- B. **RESOLUTION** - Approving the application for and acceptance of up to \$1,000,000 in Sustainable Communities Planning Grant and Incentive Program Grant Funds from the State of California Strategic Growth Council and authorizing execution of documents (*Property located in Districts 1 through 7*) – Development and Resource Management Department
Action Taken: Resolution No. 2012-21 adopted

9:15 A.M. **CITY COUNCIL**

- A. * **BILL NO. B-6 – (Intro. 2/2/2012) (For adoption)** – Amending Fresno Municipal Code (FMC), Section 12-1612 to establish a City Council appeal and rescission process relating to the designation of “Heritage Properties” and further clarify “Heritage Property” designation status – Councilmember Westerlund
Action Taken: Ordinance No. 2012-6 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:30 A.M. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Chevron USA et al. MDL 1358; CV-04973 (SAS) – **Removed from the agenda**
 2. **Case Name:** Guadalupe Fonseca, et al v. City of Fresno, et al. United States Eastern District Case No. 10-CV-00147-LJO-DLB - **Held**

10:00 A.M. **SPECIAL MEETING NOTICE**

- A. Pursuant to Resolution No. 2007-110, appointments to the Finance and Audit Committee shall be made as follows: **(No Council action required)**
1. Council President shall appoint a Councilmember to serve as Chairperson
 2. The Chairperson shall appoint two Councilmembers
 3. The Chairperson shall appoint one of his appointees, to serve as Vice Chairperson
 4. The City Manager shall appoint a staff member to serve as support staff/ secretary to the Committee, while the position of Controller remains vacant
- Action Taken:** Reviewed by City Attorney/No action required
- B. Authorize Finance and Audit Committee to investigate the debts of the Redevelopment Agency owing to the City of Fresno in the approximate amount of \$59 million
Action Taken: Finance and Audit Committee to review and report back in 90 days

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Feb | 16 – | 1:00 P.M. | AFTERNOON MEETING |
| Feb | 16 – | 2:00 P.M. | HEARING to establish a Special Tax District (CFD 16) for the maintenance of the Universally Accessible Park |
| Mar. | 8 – | 10:00 A.M. | HEARING to adopt resolution of intention to annex Final Parcel Map No. 2010-09, Annexation No. 2, to City of Fresno Community Facilities District No. 9 (north east corner of N. Blythe and W. Ashlan Avenues) |
| Mar. | 8 – | 10:15 A.M. | HEARING re: Rezone Application No. R-11-016, filed by William Gavello |

February 9, 2012 ***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

Mar. 15 – NO MEETING RECESS

Mar. 22 – 8:30 A.M. MEETING

Mar 28 – (Weds) 2:00 P.M. Presentation of Employee Service Awards – *(Reception immediately following – 2nd floor foyer)*

Mar. 29 – 8:30 A.M. MEETING